IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION.

CRIMINAL APPLICATION NO.144 OF 2006

M.Balachandran : Petitioner.

versus

The State of Maharashtra & ors. : Respondents.

Mr.A.P.Mundergi i/by V.Deshpande & Co. for the petitioner.

Mr.S.S.Tatkare, APP, for the State/Respondent.

CORAM : V.M.KANADE, J.

DATED : 13th January 2006.

P.C.

1. Not on board. Mentioned. Heard learned counsel appearing on behalf of the lpetitioner and learned APP appearing on behalf of the State/respondent.

2. This is an application for anticipatory bail filed by the petitioner who is a Chairman

and Managing Director of Bank of India. Pursuant to the complaint, which was filed in Patna, Non-bailable warrant was issued by the Senior Division, Judicial Magistrate, Patna, Bihar in Complaint Case No.1308 (C) 05 against Asian Alloys Limited. It is submitted that the petitioner has recently taken over as Chairman and Managing Director of Bank of India and is no-where concerned with the criminal case. It is submitted that, therefore, anticipatory bail may be granted as there is every possibility that the petitioner may be arrested pursuant to the non-bailable warrant which is issued against him.

3. Since the complaint is filed at Patna, this court does not have jurisdiction to grant anticipatory bail to the petitioner. However, the petitioner can be granted temporary protection against his arrest for a limited period in order to enable him to approach appropriate Court in Patna and apply for anticipatory bail or to take out such appropriate steps as advised.

4. Considering the fact that the petitioner is the Chairman and Managing Director of Bank of

India and the fact that the Bank had given loan to the said company Asian Alloys Limited against whom main allegations are made in the complaint which is filed at Patna, in my view, the petitioner is entitled to get limited protection.

5. In the result, the petitioner not to be arrested in connection with Criminal Case No.1308 (C) 05 which is pending in the Court of Senior Division Judicial Magistrate, Patna, Bihar and to that extent the non-bailable warrant of arrest dated 19.12.2005 issued by the said Court is stayed for a period of six weeks. Interim anticipatory bail is also granted for a period of six weeks. Criminal Application is disposed of in the above terms.

[V.M.KANADE,J]